

117TH CONGRESS  
1ST SESSION

# H. R. 2357

To establish the Recycling Infrastructure Program within the Environmental Protection Agency, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2021

Mr. CÁRDENAS (for himself and Mr. BUCSHON) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To establish the Recycling Infrastructure Program within the Environmental Protection Agency, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Realizing the Economic Opportunities and Value of Ex-  
6       panding Recycling Act” or the “RECOVER Act”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Recycling Infrastructure Program.

See. 4. Reports.

Sec. 5. Funding.

**1 SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

6 (2) CURBSIDE RECYCLABLES.—The term “curbside recyclables” means those recyclable materials that a municipality or recycling service provider collects separately from municipal solid waste.

10 (3) CURBSIDE RECYCLING.—The term “curbside recycling” means the process by which residential recyclable materials are picked up curbside.

14 (4) DROP-OFF FACILITY.—The term “drop-off facility” means a site to drop off recyclable materials.

17 (5) MATERIAL RECOVERY FACILITY.—The term “material recovery facility” means a facility equipped for the sorting of recyclable materials.

20 (6) RECYCLABLE MATERIAL.—

21 (A) IN GENERAL.—The term “recyclable material” means a material that can be collected, separated, processed, or otherwise derived from a waste stream for recycling.

(B) INCLUSIONS.—The term “recyclable material” includes—

- (i) ferrous metal;

(ii) nonferrous metal, such as aluminum;

(iii) plastic;

(iv) glass;

(v) paper;

(vi) fiber;

(vii) paperboard;

(viii) household electronics;

(ix) tires;

(x) rubber;

(xi) consumer packaging; and

(xii) consumer durables, such as automobiles and refrigerators.

17                             (7) RECYCLING.—The term “recycling” means  
18                             the process of collecting, sorting, and processing re-  
19                             cyclable materials for reuse, use as a feedstock, or  
20                             use in manufacturing or assembling a product, but  
21                             does not include use of recyclable materials for elec-  
22                             tricity or steam generation.

1 means the program that may be established pursuant  
2 to section 3(a).

3 (9) RECYCLING OPERATION.—The term “recycling operation” means an operation that processes  
4 recyclable materials from residential, industrial, or  
5 commercial operations through various manufacturing  
6 stages, including separating, shredding,  
7 grinding, crushing, media separation, shearing, or  
8 baling.

9  
10 (10) STATE.—The term “State” means a State,  
11 the District of Columbia, the Commonwealth of  
12 Puerto Rico, or any other territory or possession of  
13 the United States.

14 **SEC. 3. RECYCLING INFRASTRUCTURE PROGRAM.**

15 (a) ESTABLISHMENT.—The Administrator may establish a program, to be known as the Recycling Infrastructure Program, to award financial assistance to States, local governments, and tribal governments, on a competitive basis, to support and expand the recycling infrastructure and recycling programs in such States, local governments, and tribal governments.

16 (b) ELIGIBLE USE OF FUNDS.—A State, local government, or tribal government may use financial assistance received under the Recycling Infrastructure Program for projects and programs—

1                             (1) to—

2                                 (A) expand recycling infrastructure by ex-  
3                                 panding or supporting recycling-related tech-  
4                                 nology or infrastructure that—

5                                     (i) increases recycling or collection  
6                                     rates;

7                                     (ii) expands curbside recycling collec-  
8                                     tion programs where appropriate;

9                                     (iii) expands other collection points  
10                                  and landfill avoidance programs;

11                                     (iv) improves the quality of recyclable  
12                                  material that is separated from solid  
13                                  waste;

14                                     (v) improves sorting and separation of  
15                                  recyclable materials;

16                                     (vi) delivers increased high-quality  
17                                  feedstocks for use in manufacturing; or

18                                     (vii) encourages the use of recyclable  
19                                  materials in new products;

20                                     (B) transition curbside recycling programs  
21                                  to more efficient collection practices where nec-  
22                                  essary;

23                                     (C) enhance the performance of curbside  
24                                  recycling and other recycling programs;

(D) promote public space recycling programs;

(E) develop rural recycling systems; or

(F) develop and implement variable rate  
commonly referred to as “pay-as-you-throw”)  
ding programs in which the pricing struc-  
for which the fee for solid waste collection  
eases as the amount of solid waste in-  
ses; or

(2) relating to—

(A) consumer education, that—

(i) identify how to recycle and what is

recyclable; or

(ii)(I) highlights the importance of re-

cycling;

(II) promotes strategies to im-

prove recyclable material quality; and

(III) is designed to increase recy-

pling participation and the amount of materials collected:

(B) marketing opportunities for recyclable materials in the United States; or

(C) education and training for recycling  
operators

1           (c) STATE AND LOCAL GOVERNMENT ELIGIBILITY.—

2   In order to be eligible to receive financial assistance under  
3   the Recycling Infrastructure Program—

4           (1) for a project or program described in para-  
5       graph (1) or (2) of subsection (b), a State, local gov-  
6       ernment, or tribal government shall—

7              (A) submit to the Administrator an appli-  
8       cation at such time, in such manner, and con-  
9       taining such information as the Administrator  
10      may require;

11             (B) be in compliance with subtitle D of the  
12       Solid Waste Disposal Act (42 U.S.C. 6941 et  
13       seq.); and

14             (C) have, or will have, a method of track-  
15       ing and demonstrating progress on State-wide,  
16       local government-wide, or tribal governmen-  
17       wide recycling rates, and agree to demonstrate  
18       such progress to the Administrator, in a man-  
19       ner the Administrator determines appropriate,  
20       not later than two years after receipt of such fi-  
21       nancial assistance; and

22             (2) for a project or program described in para-  
23       graph (1) of subsection (b)—

24              (A) a State, local government, or tribal  
25       government shall—

- (i) have or will have—
    - (I) legal, financial, and technical capacity to carry out the project or program, including the safety and security aspects of the project or program;
    - (II) satisfactory continuing control over the use of the equipment or facilities used during the project or program, with a defined plan for its use after program assistance has ended;
    - (III) the technical and financial capacity to maintain new and existing equipment and facilities used for the project or program; and
    - (IV) advisors providing guidance on the terms and structure of the project or program that are independent from investors in the project or program;
  - (ii) demonstrate that the project or program shall encourage, to the maximum extent feasible, as determined by local poli-

cies, criteria, and decision making, the participation of private enterprise; and

(iii) demonstrate that the project or program is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

(B) a local government or tribal government shall—

(i) provide for the collection of at least 5 types of recyclable materials; and

(ii) own, operate, or contract to han-

dle, operate, or sell to—

(I) a curbside recyclables collection program;

(II) a redemption center, drop-off facility, or transfer station for recyclables; or

(III) a material recovery facility.

(d) SELECTION CRITERIA —

1       governments, and tribal governments that propose to  
2       use the assistance to—

3               (A) expand recycling access and collection  
4               of recyclable materials to underserved areas;

5               (B) modernize existing technology;

6               (C) use innovative technology;

7               (D) enhance curbside recycling and other  
8               collection; or

9               (E) reduce contamination of recyclable ma-  
10               terials.

11               (2) APPLICABILITY.—Nothing in this sub-  
12               section supersedes the applicability of other require-  
13               ments of Federal law (including regulations).

14               (e) FEDERAL ASSISTANCE.—

15               (1) AMOUNT.—The amount of the Federal fi-  
16               nancial assistance used for a project or program de-  
17               scribed in subsection (b) shall not exceed 50 percent  
18               of the total cost of the project or program.

19               (2) SUPPLANT.—Federal financial assistance  
20               under this Act shall not be used to supplant or  
21               repay other financial assistance.

22               (f) STATE, TRIBAL, AND LOCAL PERMITS.—The pro-  
23               vision of financial assistance with respect to a project or  
24               program described in subsection (b) shall not—

- 1                   (1) alter any obligation to obtain any required  
2                   State, local, or tribal permit or approval with respect  
3                   to the project or program; or  
4                   (2) otherwise supersede any State, local, or  
5                   tribal law (including any regulation) applicable to  
6                   the construction or operation of the project or pro-  
7                   gram.

8 **SEC. 4. REPORTS.**

9                   (a) STATE, LOCAL GOVERNMENT, AND TRIBAL Gov-  
10 ERNMENT REPORTS.—Each State, local government, or  
11 tribal government receiving financial assistance during a  
12 fiscal year under the Recycling Infrastructure Program  
13 shall submit to the Administrator, not later than 12  
14 months after receiving such assistance, a report for such  
15 fiscal year, in accordance with such requirements as the  
16 Administrator may prescribe.

17                   (b) EPA REPORT.—Not later than 2 years after the  
18 date of enactment of this Act, the Administrator shall sub-  
19 mit to Congress a report on measures taken towards im-  
20 plementing this Act that includes a list of States, local  
21 governments, and tribal governments receiving financial  
22 assistance under the Recycling Infrastructure Program.

23 **SEC. 5. FUNDING.**

24                   (a) IN GENERAL.—There is authorized to be appro-  
25 priated to carry out this Act—

1                   (1) \$150,000,000 for fiscal year 2021, to re-  
2 main available until expended;

3                   (2) \$125,000,000 for fiscal year 2022, to re-  
4 main available until expended;

5                   (3) \$100,000,000 for fiscal year 2023, to re-  
6 main available until expended;

7                   (4) \$75,000,000 for fiscal year 2024, to remain  
8 available until expended; and

9                   (5) \$50,000,000 for fiscal year 2025, to remain  
10 available until expended.

11               (b) ADMINISTRATION.—The Administrator may use  
12 for the administration of this Act such funds as the Ad-  
13 ministrator determines necessary for each of fiscal years  
14 2021 through 2025.

